

IC 24-10-2

Chapter 2. Establishment and Purposes of Fund

IC 24-10-2-1

Consumer protection assistance fund

Sec. 1. (a) The consumer protection assistance fund is established for the purpose of compensating qualifying individuals who submit qualifying claims to the office. The fund shall be administered by the office.

(b) The fund consists of:

- (1) appropriations made to the fund by the general assembly;
- (2) grants, gifts, and donations intended for deposit in the fund; and
- (3) at the discretion of the office, money recovered or received by the office for consumer protection purposes if use of the money is not otherwise restricted.

(c) Money in the fund may be used to make payments to qualifying individuals who file qualifying claims with the office in connection with a case involving a violation by one (1) or more other persons of any of the following statutes, including rules adopted under the authority of the following statutes:

- (1) IC 24-4.7 (concerning telephone solicitation of consumers) if the case concerns a violation involving telephone solicitations made in connection with any practice or transaction governed by a statute described in subdivisions (2) through (4).
- (2) IC 24-5-15 (concerning credit services organizations).
- (3) IC 24-5.5 (concerning mortgage rescue fraud).
- (4) IC 24-9 (concerning home loan practices).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.121-2011, SEC.2.

IC 24-10-2-2

Payments to qualifying individuals; claims; confidentiality of personal information; amount of payment; other remedies not precluded

Sec. 2. (a) The office may not make a payment to a qualifying individual under section 1(c) of this chapter unless the party ordered to pay restitution to the qualifying individual has not paid the full amount of the restitution ordered by the court in the order described in IC 24-10-1-3(2).

(b) A qualifying individual who seeks payment from the fund of

any amount of the restitution:

(1) ordered by the court to be paid to the individual; and

(2) not paid by the party ordered to pay the restitution;

may file a claim with the office on a form prescribed by the office. A claim filed under this section must be received by the office not later than one hundred eighty (180) days after the date of the order described in IC 24-10-1-3(2). The office may grant an extension of time for good cause shown by the individual filing the claim. However, the office may not accept a claim that is received more than two (2) years after the date of the order described in IC 24-10-1-3(2).

(c) The personal information (as defined in IC 4-1-11-3) of an individual who files a claim with the office under subsection (b) is confidential and may not be disclosed or distributed outside the office, except as may be required by law.

(d) Upon receiving a qualifying claim, the office may pay, from money available in the fund, to each qualifying individual identified in the claim under IC 24-10-1-3(3), an amount that:

(1) is determined at the discretion of the office;

(2) may be up to the amount of the restitution awarded to the qualifying individual and not paid by the party ordered to pay the restitution; and

(3) may not exceed three thousand dollars (\$3,000).

(e) The limits set forth in subsection (d) do not prohibit a qualifying individual from seeking to recover, in any action or through any other lawful remedy available to the individual, any amount of the restitution that:

(1) is awarded to the qualifying individual in the order described in IC 24-10-1-3(2);

(2) is not paid by the party ordered to pay the restitution; and

(3) exceeds the amount paid to the qualifying individual by the office under subsection (d).

As added by P.L.121-2011, SEC.2.

IC 24-10-2-3

State's liability for award; availability of funds

Sec. 3. The state is not liable for a determination or an award made by the office under this chapter except to the extent that money is available in the fund on the date the award is determined by the office under this chapter.

As added by P.L.121-2011, SEC.2.

IC 24-10-2-4

Authority to adopt rules

Sec. 4. The office may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.121-2011, SEC.2.